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February 15, 1999

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Vance Broemel, Esq.  
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Consumer Advocate Division  
425 - 5<sup>th</sup> Avenue North  
Cordell Hull Building  
Nashville, TN 37243

RE: **KINGSPORT POWER COMPANY - RULEMAKING FOR  
CHANGES TO ELECTRIC POWER RULES**

RECEIVED  
FEB 17 1999  
STATE ATTORNEY GENERAL  
CONSUMER ADVOCATE DIVISION

98-00690

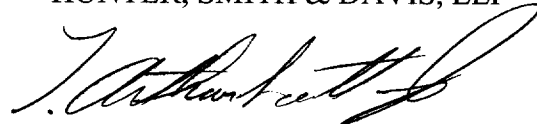
Dear Vance:

Pursuant to your recent instructions, enclosed please find the Statement of Agreement incorporating the necessary language required by the Attorney General's office and executed by us on behalf of Kingsport Power. In order to be able to file this before the hearing on Thursday, we request that the appropriate person in your office execute same and deliver the Statement of Agreement to Hal Novak for filing.

If you have any questions, please contact the undersigned.

Very sincerely yours,

HUNTER, SMITH & DAVIS, LLP



T. Arthur Scott, Jr.

Enclosure

Page 2  
February 16, 1999

cc: James R. Bacha, Esq.  
Dennis P. McNamee, Esq.  
Mr. Gary L. Johnson  
Mr.. R. Daniel Carson, Jr.

# **BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**KINGSPORT POWER -- REQUEST FOR  
RULEMAKING AFFECTING RULES FOR  
ELECTRIC COMPANIES**

\*  
\*

**DOCKET NO. 98-00690**

## **STATEMENT OF AGREEMENT**

The parties agree that the changes proposed in the Kingsport Power Company Petition for Rulemaking and the Consumer Advocate Division Petition for Rulemaking (Attachment B) have been reconciled and are agreed to be acceptable as follows:

### **1220-4-4-.03 DEFINITIONS**

- (1) The following words and terms, when used in these rules, shall have the meaning indicated below:
  - (a) Authority--The Tennessee Regulatory Authority.
  - (b) Utility-Any electric company operating under the jurisdiction of the Authority.
  - (c) Customer – Any person, firm, association, or corporation, or any agency of the Federal, State or local government, being supplied with electric service by an electric utility.
  - (d) Premises-A piece of land or real estate, including buildings and other appurtenances thereon.
  - (e) Electric Plant-Includes all real estate, fixtures and property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power.
  - (f) Meter-Unless otherwise qualified, a device that measures and registers the integral of an electrical quantity with respect to time.
  - (g) Meter Shop-A shop where meters are inspected, repaired and tested, and may be at a fixed location or may be mobile.

#### **1220-4-4.04 LOCATION OF RECORDS**

All records required by these rules or necessary for the administration thereof shall be available for examination by the Authority or its representatives at all reasonable hours. When such records are kept outside the State, the Utility may at its option furnish the Authority with such records as it may wish to examine or pay the reasonable travel expense of Authority employees assigned to examine such records.

#### **1220-4-4.05 RETENTION OF RECORDS**

Unless otherwise specified herein, all records required by these rules shall be preserved for the period of time specified by the current requirements of the Federal Energy Regulatory Commission (FERC).

#### **1220-4-4.06 DATA TO BE FILED WITH THE COMMISSION.**

The utility shall file with the Authority the following documents and information, and shall maintain such documents and information in a current status.

- (a) A copy of the utility's tariff, which shall include:
  - 1. A copy of each schedule of rates for service, together with any applicable riders.
  - 2. A copy of the utility's rules, or terms and conditions describing the utility's policies and practices in rendering service.
- (b) A copy of each special contract for service not covered by regular tariffs.
- (c) The utility's extension plan as required in Rule 1220-4-4-.25.
- (d) A map or maps showing the utility's operating area. These shall include the names of all incorporate towns or cities, and the counties or portions of the counties served by the utility.
- (e) The name, title, address and telephone number of the person who should be contacted in connection with:
  - 1. General management duties.
  - 2. Customer relations (complaints).
  - 3. Engineering operations.
  - 4. Meter tests and repairs.
  - 5. Emergencies during non-office hours.

- (f) Plans for expenditures are to be filed with the Authority in accordance with Rule 1220-4-1-.01.
- (g) Upon request by the Authority the utility shall furnish available information regarding electric service operations or any of the standards set out in Rule 1220-4-4-.29.
- (h) Financial and statistical report shall be filed annually on the forms furnished or approved by the Authority on or before April 30 of the succeeding year for which the report covers.
- (i) Conform with the Applicable Rules and Regulations contained in Chapter 1220-4-1 (General Public Utilities Rules Applicable to all Utilities.)

#### **1220-4-4-.12 METER READING INTERVAL**

Meters shall be read monthly or at other interval specifically authorized by the Authority. As nearly as practicable, utilities shall avoid sending a customer more than three (3) successive estimated bills.

#### **1220-4-4-.14 CUSTOMER INFORMATION**

- (1) Each utility shall:
  - (a) Maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to facilities available for serving prospective customers in its service area.
  - (b) Assist the customer or prospective customer in selecting the most economical rate schedule.
  - (c) Transmit to each of their electric customers the following information regarding rate schedules:
    - 1. A clear and concise explanation of the existing rate schedules and any rate schedule applied for or proposed which is applicable to the customer and rules relating to the service of the utility, as filed with the Authority.
    - 2. Such statement shall be transmitted to each customer:
      - (i) not later than 60 days after the date of commencement of service to the customer or 90 days after the standard is adopted, whichever last occurs, and

(ii) not later than 40 days (60 days in the case of a bi-monthly billing system) after application for or proposal of any change in a rate schedule applicable to such customer.

(d) At least once a year each electric customer is to be furnished with:

1. A clear and concise summary of the existing rate schedules applicable to each of the major classes of electric consumers for which there is a separate rate. Each electric customer need only be supplied with a summary of the rate schedule applicable to his service.
2. An identification of any classes whose rates are not summarized.

Such summary may be transmitted together with each customer's billing or in any other reasonable manner designed to convey this message to each customer.

3. On request an electric customer shall be given a clear and concise statement of the actual metered consumption of electric energy by customer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable).

(e) Upon request, inform its customers as to the method of reading meters.

(f) Furnish such additional information as the customer may reasonably request.

#### **1220-4-4.15 CUSTOMER DEPOSITS**

(1) Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service.

(a) Such deposit shall not be more in amount than the maximum estimated charge for service for 2 consecutive billing periods or 90 days, whichever is less, or as may reasonably be required by the utility in cases involving service for short periods or special occasions.

(b) Any interest rates on deposits will be approved by the Authority.

(c) Each utility shall keep records to show:

- a. The name and address of each depositor.

- b. The amount and date of the deposit.
- c. Each transaction concerning the deposit.
- (d) Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a depositor may establish his claim if his receipt is lost.
- (e) The utility may retain the deposit as long as it feels it is necessary to insure payment of bills for service.
- (f) A record of each unclaimed deposit must be maintained for at least 3 years, during which time the utility shall make a reasonable effort to return the deposit.
- (g) Unclaimed deposits, together with accrued interest, shall be credited to an appropriate account and treated in accordance with Tenn. Code Ann. Title 66 Chapter 29.

#### **1220-4-4.16 CUSTOMER BILL FORMS**

The utility shall bill each customer as promptly as possible following the reading of his meter. The bill shall show:

- (a) The reading of the meter at the end of the period for which the bill is rendered.
- (b) The date on which the meter was read at the end of the period for which the bill is rendered.
- (c) The number and kind of units metered.
- (d) The gross and/or net amount of the bill.
- (e) The date by which the customer must pay the bill in order to benefit from any discount or to avoid any penalty.
- (f) A distinct marking to identify an estimated bill.
- (g) Any conversions from meter reading units to billing units, or any calculations to determine billing units from recording or other devices, or any other factors, such as fuel adjustments, used in determining the bill. In lieu of such information on the bill, a statement must be on the bill advising that such information can be obtained by contacting the utility's principal office, except that any multiplier used to determine billing units will be shown whenever used.

- (h) The applicable rate schedule under which the customer is served.

**1220-4-4.18 ADJUSTMENT OF BILLS**

- (1) Meter Fast-Whenever a meter from service is found upon periodic, request or complaint test to be more than two per cent fast, tests shall be made, as stipulated in Rule 1220-4-4-.38, to determine the average error of the meter.
  - (a) Whenever a meter is found upon periodic, request or complaint test to have an average error of registration of more than two per cent (2%) fast the utility shall recalculate the monthly bills for a period equal to one half of the time elapsed since the last test, but in no case shall this period exceed six (6) months (See exception noted in paragraph 4). The method of recalculating the monthly bills shall be as shown in the following example: A meter, upon test, was found to have an average accuracy of 105% or an error of 5% fast. The consumption registered for a billing period previous to test was 105 K.W.H. The current amount is determined by multiplying 105 K.W.H. by 100 and dividing this product by 105, (the average per cent accuracy) which result is 100 K.W.H. and is the proper amount to be billed. After making such recalculations the utility shall refund to the customer the difference between the amount previously billed and the amount calculated as being the proper charge.
- (2) Meter Slow-When a meter upon periodic, request or complaint test is found to have an average error of more than two per cent (2%) slow, the utility may recalculate the monthly bills for a period equal to one half of the time elapsed since the last test, but in no case to exceed six (6) months. The method for recalculating the monthly bills shall be as shown in the following example:

A meter, upon test, was found to have an average accuracy of 95% or an error of 5% slow. The consumption registered for a billing period previous to test was 105 K.W.H. The correct amount is determined by multiplying 105 K.W.H. by 100 and dividing this product by 95, (the average per cent accuracy) which result is 110.526 or 111 K.W.H. and is the proper amount to be billed.

After making such recalculations the utility may collect from the customer an amount equal to the difference between the amount previously billed, and the amount calculated as being the proper charge.
- (3) Per Cent Error-It shall be understood that when a meter is found to have an error in excess of two per cent (2%) fast or slow, the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test, i.e., it is held that it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100% as it is commercially practicable.



Therefore, percent error shall be that difference as between 100% and per cent accuracy as is indicated by a proper test.

- (4) Refunds- The burden of maintaining measuring equipment, so that it will register accurately, is upon the utility; therefore, if meters, other than single phase meters tested under a sampling procedure approved by the Authority, are found upon test to register fast, and if time for periodic test has overrun to the extent that one half (1/2) of the time elapsed since the last previous test exceeds six (6) months the refund shall be for the six (6) months as specified in paragraph 2, and in addition thereto a like refund upon those months exceeding the periodic test period, provided, however, that the Authority may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.
- (5) Notification-When a meter is tested and it is found necessary to make a refund or backbill a customer, the customer shall be notified in substantially the following form:

On \_\_\_\_\_, 19\_\_\_\_, the meter bearing identifying No. \_\_\_\_\_ installed in your building, located at \_\_\_\_\_ in, was tested at \_\_\_\_\_ and found to register \_\_\_\_\_ (on premises or elsewhere) \_\_\_\_\_ . The meter was tested on \_\_\_\_\_ (%fast or slow) \_\_\_\_\_ test. Based upon this test, we here  
\*(periodic-request-complaint)  
with \_\_\_\_\_ you with the sum of  
\*(charge or credit)  
\$ \_\_\_\_\_, which amount has been noted on your regular bill.  
\*to be filled in by utility

- (6) Partial or Non-Registering-If a meter is found not to register or to register only partially for any period, the utility may estimate the consumption and demand, based on a like period of similar use, and any other pertinent facts.

#### **1220-4-4.19 REASONS FOR DENYING SERVICE**

- (1) REASONS FOR TERMINATION OF SERVICE OR DENIAL OF SERVICE. Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the utility shall comply with the notice requirements before service is discontinued. However, no service shall be discontinued on the day or a date preceding a day or days on which the services of the utility are not available to the general public for the purpose of

reconnecting the discontinued service, except as provided in Rule 1220-4-4-.19(1)(a), (b), (c) and (d).

- (a) Without notice in the event of a condition determined by the utility to be hazardous.
- (b) Without notice in the event of customer use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.
- (c) Without notice if there is evidence of tampering with the equipment furnished and owned by the utility.
- (d) Without notice if there is evidence of unauthorized use.
- (e) For violation of and/or non-compliance with the utility's rules on file with and approved by the Authority.
- (f) For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulations by the Authority.
- (g) For failure of the customer to permit the utility reasonable access to its equipment.
- (h) For non-payment of delinquent account.
- (i) For failure of the customer to provide the utility with a deposit as authorized by rule 1220-4-4-.15.

(2) NOTICE OF TERMINATION OF SERVICE. Electric service to any electric customer may not be terminated without reasonable opportunity to dispute the reasons for such termination.

- (a) Content of the notice, which may be included in the customer's bill, shall be clearly legible and contain the following information.
  - 1. The name and address of the customer and the address of the service, if different.
  - 2. A clear and concise statement of the reason for the proposed termination of service.
  - 3. The date on which service will be terminated unless the customer takes appropriate action. The date of the proposed termination by the utility shall be at least seven (7) days after the utility sends the notice by first

class mail. The mailing of the notice of termination as set forth above, shall constitute reasonable prior notice within the meaning of this rule.

4. Information concerning the reconnection fee.
  5. The telephone number and address of the utility where the customer may make inquiry, enter into a service continuation agreement or file a complaint.
  6. The notice shall also contain the name and address of the Tennessee Regulatory Authority and a statement to the effect that the Tennessee Regulatory Authority is the regulatory authority for this service.
  7. In cases where the termination is based on the failure to pay, the notice shall state if the bill is the actual or estimated, amount owed, and the time period over which the amount was incurred.
- (b) Notwithstanding any other provisions of these rules, a utility shall postpone the physical termination of utility service to a residential customer for a period of thirty (30) days in the event a physician, public health officer, or social service official certifies in writing that discontinuation of the service will aggravate an existing medical emergency of the customer or other permanent resident of the premises where service is rendered. During the thirty (30) day extension the customer or other permanent resident of the premises where service is rendered shall be referred to social service agencies for investigation, confirmation of need and guarantee of payment. The local utility shall supply customers with names of agencies providing assistance.
- (c) All customers shall be provided with the option of a Third Party Notification service and shall be notified annually by the utility of its availability. The Third Party Notification will provide any customer with the opportunity to designate a third party who will receive a duplicate of any termination notice.
- (3) STATEMENT OF TERMINATION POLICY. The utility shall provide a general policy statement detailing its termination policies to all existing customers annually and to all new customers when they initiate service. This policy statement shall be filed by the utility for approval by the Authority within sixty (60) days of the effective date of this rule. The general policy shall include the following information in clear and understandable language:
- (a) Grounds for termination
  - (b) The time allowed to pay outstanding bills.

- (c) Steps which must occur before service may be terminated for non-payment.
- (d) Steps necessary to have service reinstated.
- (e) Instructions for residential customers to designate the following.
  - 1. A third party (agency or individual) to receive a copy, by first class mail, of all termination notices;
  - 2. Presence of appliances at the service address which are critical for maintenance of health of one or more of the residents.
- (f) A notice of rights and remedies which should contain the following:
  - 1. The time allowed to initiate a complaint;
  - 2. Appropriate administrative or other action to take in order to avoid termination;
  - 3. Procedures to distribute and appeal the termination notice, including the office address and telephone number of the utility representatives available to handle inquiries or complaints;
  - 4. Statement that households which have appliances critical for health are responsible for notifying the utility of such fact;
  - 5. Provide information and steps necessary to qualify for alternative payment arrangements available to residential customers who maintain that they are temporarily unable to pay their bills;
  - 6. The name of a social agency the customer can call to inquire about a source or sources of financial assistance in paying residential utility bills;
  - 7. Procedures to dispute and appeal an unfavorable decision of the utility, including the address and toll free telephone number of the Tennessee Regulatory Authority and its representatives, who are available to handle complaints and inquiries; and
  - 8. A statement that a customer does not have to pay that

portion of a bill which is in dispute while the dispute process is underway.

#### **1220-4-4.29 ACCEPTABLE STANDARDS**

The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice:

- (a) National Electrical Safety Code, latest edition.
- (b) National Electrical Code, latest edition.
- (c) American National Standard for Electric Meters - ANSI C 12.1, latest edition.
- (d) American Standard Requirements, Terminology and Test Code for Instrument Transformers, IEEE C57.13, latest edition.

#### **1220-4-4.30 REQUEST TESTS.**

Upon request by a customer and at no charge the utility shall make a test of the meter serving him, provided that such tests need not be made more frequently than once in 12 months. Thereafter, any charges contained in the utility's tariffs or terms and conditions of service will be applicable. At the time of the request, the utility shall inform the customer that by filing a written application, with no charge if the test is the first within the last 12 months, but thereafter accompanied by \$25.00, the customer may request that the test be performed under the supervision of a representative of the Tennessee Regulatory Authority. The utility shall also provide the customer the address of the Tennessee Regulatory Authority and the Authority's toll free telephone number. If the customer declines to request a refereed test in accordance with 1220-4-4-.31, the test will be conducted in accordance with this rule.

- (a) The customer, or his representative, may be present when his meter is tested.
- (b) A report of the results of the test together with a copy of Rule 1220-4-4-.31 shall be made to the customer within ten workdays after the completion of the test, and a record of the report, together with a complete record of each test, shall be kept on file at the office of the utility.

#### **1220-4-4.31 REFEREE TESTS.**

(1) Upon written application to the Authority by a customer or a utility, a test will be made of the customer's meter as soon as practicable under the supervision of a representative of the Authority.

(2) The first application in a 12 month period will be free. Thereafter, the application shall be accompanied by \$25.00, payable to the Authority.

(3) On the receipt of such a request from a customer the Authority will notify the utility and the utility shall not knowingly remove or adjust the meter until instructed by the Authority. The utility shall furnish to the Authority's representative such reasonable assistance as may be required to make the test.

(4) If upon test the meter is found to over-register to an extent requiring a refund under the provisions of Rule 1220-4-4-.18, the amount paid to the Authority for the test shall be returned to the customer by the utility.

(5) The customer, or his representative, may be present when his meter is tested.

(6) The Authority will make a written report of the results of the test to the customer and to the utility.

#### **1220-4-4-.32 PRE-INSTALLATION INSPECTIONS AND TESTS.**

Every meter and/or associated device shall be inspected and tested , either by the utility or the manufacturer, in accordance with the standards contained in American National Standard for Electric Meters - ANSI C 12.1, latest edition, before being placed in service, and the accuracy of each meter shall be certified to be within the tolerances permitted by Rule 1220-4-4-.38. A meter removed from a customer's premises may be returned to service without testing if the type of meter is included in an In-Service performance test program conducted under Rule 1220-4-4-.35, in accordance with American National Standard for Electric Meters - ANSI C.12.1, latest edition, and the performance of that type of meter in such program is acceptable.

**1220-4-4-.34 AS FOUND TESTS.** Any meters and/or associated devices removed from service may be retired without testing unless removed from service due to a customer complaint.

#### **1220-4-4-.35 IN-SERVICE PERFORMANCE TESTS.**

(1) General In-Service performance tests must be made in accordance with Rules 1220-4-4-.35(2). 1220-4-4-.35(3). 1220-4-4-.35(4). These tests may be made on the customer's premises or in the utility's meter shop. However, it is recommended that meters associated with instrument transformers, or phase shifting transformers, or those having mechanical contact devices, be tested on the customer's premises. Tests made for other purposes, such as request or referee tests, must not be counted as in-service performance tests. All meters on a utility's system must be tested in accordance with a single program which must be one of the following:

- (a) at a fixed periodic interval 1220-4-4-.35(2).
- (b) at a variable interval 1220-4-4-.35(3).
- (c) an acceptable statistical sampling program 1220-4-4-.35(4).

## (2) Periodic Test Schedule

If this option is used, the basic periodic test interval for meters shall not be longer than provided for in American National Standard for Electric Meters - ANSI C12.1, latest edition, and as follows for secondary standards:

- |   |             |
|---|-------------|
| (a) Portable electronic watt-hour standards | yearly      |
| (b) Indicating voltmeters                   | yearly      |
| (c) Instrument transformer standards        | as required |

## (3) Variable Interval Plan

- (a) If this option is used, the variable interval plan shall conform to American National Standard for Electric Meters - ANSI C 12.1, latest edition, for all meters that do not have an additional mechanical attachment such as a thermal or mechanical register.
- (b) The variable interval plan shall be accompanied by a liberal policy for testing meters on request and a procedure whereby unusually high or low bills for service would be detected and investigated.

## (4) Statistical Sampling

- (a) If this option is used, the statistical sampling plan shall conform to American National Standard for Electric Meters - ANSI C 12.1, latest edition, and shall use American Standard for Quality Control, ANSI/ASQCZ1.9, latest edition, to select sample quantities and to analyze test results, for all meters that do not have an additional mechanical attachment such as a thermal or mechanical register.
- (b) A statistical sampling program shall include an adequate policy for testing meters on request and a procedure whereby unusually high or low bills for service would be detected and investigated.
- (c) An acceptable sampling plan is one in which a sample will, 95 times out of 100, correctly identify a homogenous group of meters which has at least 97.5% of the group within the limits 98%-102% registration on in-service performance test. If a group of meters does not meet the acceptable performance criteria, then corrective action must be taken.

- (d) The corrective action may consist of an accelerated test program to raise the accuracy performance of the group to acceptable standards or it may consist of removing the group from service. An accelerated test program should provide for testing at rates which vary in accordance with the calculated percentage of defective meters in rejected groups. In its application to an individual group the rate of testing should be such that the required corrective action is completed within 4 years, but not more than 25% of the meters in the group need be tested in any one year. Accelerated testing may be discontinued when the test results indicate that the rejected group is within acceptable limits.
- (e) Records shall be maintained and tabulated to indicate the number of meters in each homogeneous group in service at the beginning of each year, the number of meters making up the sample for each homogeneous group, the test results for each group, and any necessary corrective action taken.

**1220-4-4.36 INSTRUMENT TRANSFORMER TESTS.** Instrument transformers shall be tested:

- (a) Prior to initial installation.
- (b) Upon complaint.
- (c) Whenever an approved check, such as the variable burden method in the case of current transformers, made whenever the meter is tested, indicates that a quantitative test is required, if the transformer will remain in service.

**1220-4-4.38 TEST PROCEDURES AND ACCURACIES.** Meter and/or associated devices shall be tested and adjusted in accordance with American National Standard for Electric Meters-ANSI C12.1, latest edition.

- (a) Meters for Measurement of Purchased Electricity.

Utilities purchasing electricity from non-utilities or from utilities outside the State must see that the instruments and meters which are necessary to furnish complete and accurate information as to the energy purchased are installed and tested in accordance with the requirements of the Authority.

- (b) General

1. All meters and/or associated devices, when tested, shall be adjusted as closely as practicable to the condition of zero error.



2. All tolerances are to be interpreted as maximum permissible variations from the condition of zero error. In making adjustments, no advantage of the prescribed tolerance limits shall be taken.

**1220-4-4-.39 FACILITIES AND EQUIPMENT FOR METER TESTING.** Each utility shall maintain a meter shop for the purpose of inspecting, testing and repairing meters. The shop shall be open for inspection by authorized representatives of the Authority at all reasonable times, and the facilities and equipment, as well as the methods of measurements and testing employed, shall be subject to the approval of the Authority. A utility may, however, have all or part of the required tests, repairs and adjustments made or its portable testing equipment checked by another agency having adequate and sufficient testing equipment to comply with these rules.

- (a) Each location at which the utility conducts tests of meters shall have 3 phase voltage supply, one phase of which shall be variable from 0 volts to 270.

- (b) Secondary Standards

Each utility shall have at least one electronic watthour standard meter with a correction of not more than 0.2% at commonly used loads. If the correction percentage varies between successive tests by more than 0.25, a complete check must be made to determine the cause of such variation. If the cause of variation cannot be removed, the use of the instrument should be discontinued.

- (c) Working Standards

Each utility shall have at least one portable electronic watthour standard meter with a correction of not more than 0.3% at commonly used loads. If the correction percentage varies between the successive tests by more than 0.25, a complete check must be made to determine the cause of such variation. If the cause of variation cannot be removed, the use of the instrument should be discontinued.

- (d) Secondary standards must be checked periodically (see Rule 1220-4-4-.35(2) either at the National Institute of Standards and Technology or any successor thereto (NIST) or, at a utility's option, at a laboratory traceable to the NIST.
- (e) Working standards must be checked periodically (see Rule 1220-4-4-.35(2) by comparison with a secondary standard in the utility's meter shop.
- (f) Extreme care must be exercised in the handling of standards to assure that their accuracy is not disturbed.
- (g) Each standard shall be accompanied at all times by a certificate or calibration

card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the last previous test.

#### **1220-4-4.46 INTERRUPTIONS OF SERVICE**

- (1) Each utility shall make reasonable efforts to avoid interruptions of service but when interruptions occur, service shall be re-established within the shortest time practicable, consistent with safety.
  - (a) Each utility shall keep records of interruptions of service on its primary distribution system and shall make an analysis of the records for the purpose of determining steps to be taken to prevent recurrence of such interruptions. Such records should include the following information concerning the interruptions:
    - (1) Cause
    - (2) Date and time
    - (3) Duration
  - (b) The log for each unattended substation must show interruptions which require attention to restore service, with the estimated time of interruption.
  - (c) Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded, if feasible, by adequate notice to those who will be affected.
  - (d) Each utility shall notify the Authority by telephone of any service interruption to twenty-five percent or more of its distribution customers or loads of 25,000 KW or more when such interruptions last for more than two hours.

#### **1220-4-4.49 GROUNDING OF SECONDARY DISTRIBUTION SYSTEM.**

- (1) Unless otherwise specified by the Authority, each utility shall comply with, and shall require its customers to comply with, the applicable provision of the National Electrical Safety Code and the National Electrical Code for the grounding of secondary circuits and equipment.
  - (a) Ground connections should be tested for resistance at the time of installation unless multi-grounding is used.

- (b) The utility shall keep a record of all ground resistance measurements.
- (c) The utility shall establish programs of inspection so that all artificial grounds installed by it shall be inspected within a reasonable periods of time.

**1220-4-4-.51 COMPENSATION OF CONSUMER INTERVENORS IN PURPA-RELATED PROCEEDINGS**

The Tennessee Regulatory Authority (the Authority) may determine appropriate compensation for reasonable costs of participation by intervenors in any proceeding arising under those provisions of the Public Utility Regulatory Policies Act of 1978, U.S.C. §2601, et seq., (PURPA) which so provide. Compensation may be determined if the intervenor's participation has substantially contributed to the approval, in whole or in part, of a position advocated by such intervenor in such proceeding when they have met the other requirements set forth in this rule.

**1220-4-4-.52 PRELIMINARY DETERMINATION OF INTERVENOR ELIGIBILITY**

- (1) An intervenor who wishes to be eligible for a determination of costs of participation in a PURPA-related proceeding must make application to the Authority for such purposes. Such application shall be brief in nature and shall:
  - (a) state the consumer interest represented by the intervention, the relevance of the hearing to that interest and why participation is needed for a full and fair determination of the issues;
  - (b) outline the general nature of the consumer's expected participation and the anticipated budget;
  - (c) include an affidavit stating that, but for an award of fees and costs, participation will be a significant financial hardship to the consumer; and
  - (d) be served on all affected utility companies and other known parties and intervenors to the proceeding.

Significant financial hardship, as understood in this section, may be established by demonstrating that the intervenor does not have sufficient resources available to participate effectively in the proceeding without such an award.

For the purpose of making a determination of eligibility under this subsection, the Authority may require intervenors with common interests to consolidate their participation in the proceeding.

- (2) Affected utilities, parties and other intervenors shall have the right to object to any application for eligibility.
- (3) The Authority shall make a determination of the eligibility of an intervenor to receive an award under this rule prior to the beginning of the proceeding but not later than twenty (20) days after receipt of an application to intervene. A negative determination of eligibility precludes an award of fees and costs at the conclusion of the proceeding. An affirmative determination of eligibility does not assure the intervenor of an award; the intervenor must, in addition, meet the other requirements of this rule.
- (4) The Authority may, in its determination of eligibility set a ceiling on the costs which may be determined as appropriate.

**1220-4-4-.53**     **DETERMINATION OF COSTS FOR INTERVENORS**

(1) At the time of issuance of a final order in any PURPA-related proceeding, the Authority shall make a finding of whether an intervenor has fulfilled the requirements of this rule and is entitled to a determination of costs.

**1220-4-4-.54**     **PROCEDURES FOR INTERVENOR REIMBURSEMENT**

(1) Within ten (10) days of an Authority order determining costs incurred by a consumer intervenor, said party shall file a memorandum of costs with the Authority Executive Secretary detailing attorneys' fees, expert witness fees and other reasonable costs for which compensation is claimed. Copies of the memorandum of costs must be served on all affected utilities.

Any affected utility may file an objection to the reasonableness of any fee or cost within ten (10) days of the filing of the memorandum of costs.

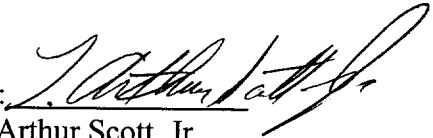
(2) Within thirty (30) days of its original order, the Authority shall, after considering the memorandum of cost and any objections thereto, issue an order setting out the amount of the determination, and if necessary, allocating that among the various affected utility companies.

(3) Fees and cost paid to consumer intervenors by the affected utility(ies) will be treated as operating expenses recoverable in the utility's (ies) next general rate case.

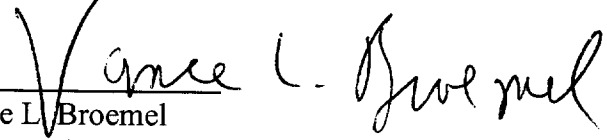
Attorney's fees and expert witness fees shall be based upon prevailing market rates in Tennessee for the kind and quality of services rendered. All other expenses reasonably incurred in proceedings pursuant to this rule,- including, but not limited to, staff time, printing costs, postage, and travel, - shall be based on the actual costs incurred by the intervenor(s). In no case shall said costs exceed the market rate.

(4) Payment of costs under this rule may be made by the affected utility company or companies within forty-five (45) days of the date on which an Authority Order issues pursuant to 1220-4-4-.54(2) of this rule or in accordance with a payment schedule set by the Authority. If costs are not paid within the applicable time limit, the entitled consumer intervenor may initiate appropriate court proceedings pursuant to 16 U.S.C. §2632(a)(2).

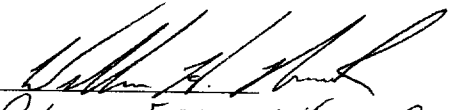
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\*This Statement of Agreement by the Consumer Advocate Division is only as to the text of the proposed rule and does not waive or estop the Office of Attorney General from conducting a review and rendering an opinion on the constitutionality or other compliance of the proposed rule with State or federal law.